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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/875,297
	Filing Date	June 7, 2001
	First Named Inventor	Joel S. Douglas
	Art Unit	1641
	Examiner Name	Christopher L. Chin
Total Number of Pages in This Submission	Attorney Docket Number	018176-391

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Request for Filing Continuation/Divisional Application Return Receipt Postcard
Remarks <input type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Charles P. Schmal, Reg. No. 45,082 Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	
Date	December 3, 2003

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below			
Typed or printed name	Charles P. Schmal		
Signature		Date	December 3, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent

Attorney's Docket No. 018176-391

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

**Box PATENT APPLICATION**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**COPY**

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/306,994 filed on May 7, 1999, for DEVICE FOR DETERMINATION OF AN ANALYTE IN A BODY FLUID, by the following named inventor(s):

- |     |           |                   |
|-----|-----------|-------------------|
| (a) | Full Name | Joel S. DOUGLAS   |
| (b) | Full Name | Ryszard RADWANSKI |
| (c) | Full Name | Brent G. DUCON    |
| (d) | Full Name | John H. PRIEST    |
| (e) | Full Name | David A. HASKER   |
| (f) | Full Name | John M. GLEISNER  |

- ☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- ☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.
- |     |           |       |
|-----|-----------|-------|
| (a) | Full Name | _____ |
| (b) | Full Name | _____ |
| (c) | Full Name | _____ |
- ☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.



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(03/01)

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

- ☐ Applicant(s) suggests Figure \_ for inclusion on the front page of the patent application publication and/or patent.
1. ☒ Enclosed is a copy of the prior Application No. 09/306,994 as originally filed on May 7, 1999, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims		MINUS 20 =		× \$18.00 (103) =	
Independent Claims		MINUS 3 =		× \$80.00 (102) =	
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					

5. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
6. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed for the fee due.
7. ☒ Cancel in this application original claims 1-12 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)



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8. ☒ Formal drawings are enclosed.
9. ☐ Priority of Application No. \_ filed on \_ in \_ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on \_ in prior Application No. \_, filed on \_, and acknowledged by the Examiner on \_ in Paper No. \_.
- ☐ has not yet been filed.
10. ☒ Please amend the specification by inserting before the first line the sentence:
- ☒ --This application is a divisional of Application No. 09/306,994, filed on May 7, 1999, which is a continuation of Application No. 08/874,468, filed June 17, 1997, now U.S. Patent No. 5,948,695.--
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_, filed on \_, which was a national stage filing under 35 U.S.C. § 371 of International Application No. \_ filed on \_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_.--
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_, filed on \_, which was a continuation of International Application No. \_, filed on \_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_.--
11. ☐ A preliminary amendment is enclosed.
12. ☒ An Information Disclosure Statement is enclosed.
13. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
14. ☐ Also enclosed \_.
15. ☒ The power of attorney in the prior application is to Burns, Doane, Swecker & Mathis, L.L.P..
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney \_.



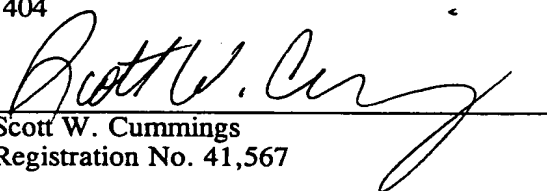
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- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

T. Gene Dillahunt  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: June 7, 2001

By:

  
Scott W. Cummings  
Registration No. 41,567

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

☐ inventor(s)  
☐ assignee of complete interest  
☐ attorney or agent of record  
☒ filed under 37 C.F.R. § 1.34(a)

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